



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON, D.C. 20370-5100

BJG  
Docket No: 3295-00  
30 November 2000

MA [REDACTED] USMCR  
[REDACTED]  
[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 November 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the report of the Headquarters Marine Corps (HQMC) Performance Evaluation Review Board (PERB), dated 4 May 2000, and the advisory opinion from HQMC (CMT), dated 10 October 2000, copies of which are attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the report of the PERB. Since the Board found no defect in your performance record, they had no basis to strike your failures by the Fiscal Year 2000 and 2001 Reserve Lieutenant Colonel Selection Boards. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosures



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

IN REPLY REFER TO:  
1610  
MMER/PERB  
4 MAY 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)  
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF  
MAJOR [REDACTED], USMCR

Ref: (a) Major [REDACTED] DD Form 149 of 16 Feb 00  
(b) MCO P1610.7C w/Ch 1-2

1. Per MCO 1610.11C, the Performance Evaluation Review Board, with three members present, met on 26 April 2000 to consider Major [REDACTED]'s petition contained in reference (a). Removal of the fitness report for the period 861119 to 870330 (TR) was requested. Reference (b) is the performance evaluation directive governing submission of the report.

2. The petitioner contends that the marks of "above average" in the areas of "loyalty" and "dedication" are adverse and that he should have been given an opportunity to acknowledge and respond. The petitioner offers no material evidence in support of his appeal, but believes removal of the fitness report would enhance promotional opportunities.

3. In its proceedings, the PERB concluded that the report is both administratively correct and procedurally complete as written and filed. The following is offered as relevant:

a. At the outset, the Board emphasizes that not only has the petitioner cited the incorrect directive in attempting to establish his argument, but that there is no trait/quality in Section B entitled "dedication." What the petitioner evidently intended to challenge were the marks in Items 14d (attention to duty) and 14h (Loyalty). Those issues aside, marks of "above average" are not, per the guidance furnished in reference (b), adverse. That the petitioner may believe otherwise is viewed as his misinterpretation of the definitions furnished in reference (b). In this regard, the Board finds that the report was correctly **not** referred to the petitioner for acknowledgment and the opportunity to comment.

b. It is the position of the PERB that it cannot and does not operate under the premise that administratively correct/complete and factually accurate fitness reports should be removed simply to enhance competitiveness. To do so would breach the

Subj: MARINE CORPS PERFORMANCE EVALUATION REVIEW BOARD (PERB)  
ADVISORY OPINION ON BCNR APPLICATION IN THE CASE OF  
MAJOR [REDACTED] E, [REDACTED] USMCR

integrity and viability of the entire performance evaluation system.

4. The Board's opinion, based on deliberation and secret ballot vote, is that the contested fitness report should remain a part of Major [REDACTED]'s official military record.

5. The case is forwarded for final action.

[REDACTED]  
Colonel, U.S. Marine Corps  
Deputy Director  
Personnel Management Division  
Manpower and Reserve Affairs  
Department  
By direction of the Commandant  
of the Marine Corps



DEPARTMENT OF THE NAVY  
HEADQUARTERS UNITED STATES MARINE CORPS  
3280 RUSSELL ROAD  
QUANTICO, VIRGINIA 22134-5103

3295-00

IN REPLY REFER TO:  
1600  
CMT  
10 Oct 00

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Subj: RESERVE AFFAIRS REVIEW OF FAILURE OF SELECTION ADVISORY  
OPINION ON BCNR APPLICATION; CASE OF [REDACTED]  
[REDACTED] USMCR

Ref: (a) [REDACTED] DD FORM 149 of 16 Feb 00

1. We have reviewed the reference and provide the following comment on [REDACTED] failures of selection to lieutenant colonel. (3)
2. Major [REDACTED] has consistently been ranked lower than his peers throughout his career. He has only been ranked above five officers of the almost 100 officers he has been evaluated against. Rarely has he been ranked in the outstanding column. Additionally, he has significant trends in Regular Duties, Additional Duties, Administrative Duties, Handling Officers, Force, Leadership, and Economy of Management. This officer is not considered competitive with his peers.

3. Point of contact [REDACTED] t [REDACTED]

[REDACTED]  
By direction